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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 6th June 2009

No. 5024-LL-I (AR) 61/08/LE.—Whereas, the draft of certain rules further to amend the Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Orissa Rules, 1980 was published as required by Section 35 of the Inter-State Migrant Workmen Regulation of Employment and Conditions of Service Act, 1979 (Act 30 of 1979) in the extraordinary issue No.422 of the *Orissa Gazette*, dated the 19th March, 2009 under the notification of the Government of Orissa in the Labour & Employment Department No.2965 LL-I- (AR) 61/08, dated the 19th March, 2009, inviting objections and suggestions from all persons likely to be affected there by within a period of forty-five days from the date of publication of the said notification in *Orissa Gazette*;

And, whereas, no objection or suggestion has been received during the stipulated period in respect of the said draft;

Now, therefore, in exercise of the powers conferred by Section 35 of the said Act, the State Government do hereby make the following rules further to amend the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1980, namely :—

1. (1) These rules may be called the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Orissa Amendment Rules, 2009.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

2. In the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Orissa Rules, 1980 (hereinafter referred to as the said Rules), in Rule-35, for the words and commas “register of wages or the Register-cum-Muster roll, as the case may be” the following shall be substituted, namely :—

“Combined Muster Roll-cum-Register of wages”.

3. (i) In the said rules, in rule 52, (i) in sub-rule (1), for items “(a)” to “(f)”, the following items shall be substituted, namely :—

- “(a) Combined Muster Roll-cum-Register of Wages
- (b) Combined Register of Fine deduction
- (c) Combined Register of overtime working and payment” and

(ii) in sub-rule (2), for clauses “(a)” to “(d)”, the following clauses shall be substituted, namely:—

- “(a) Every contractor shall maintain a Combined Muster Roll-cum-Register of wages in Form-A.
- (b) Signature or thumb impression of every migrant workman on the Combined Muster Roll-cum-Register of Wages shall be obtained and entries therein shall be authenticated by the signature of the contractor or his authorized representative, and duly certified by the authorized representative of the principal employer as required by Rule-35.
- (c) A Combined Register of Fines, deductions for damage or loss and advances shall be made in Form-B.
- (d) Every contractor shall maintain Combined Register of overtime working, payment in Form-C.”

4. In the said rules, in rule 56, for sub-rule(1), the following sub-rule shall be substituted, namely:—

“(i) Every Contractor shall send annual return in Form AR in duplicate so as to reach the licensing officers concerned not later than 15th February following the end of the year, to which it relates”; and

(ii) in sub-rule (2), for the expression “return in Form XXIV”, the following shall be substituted, namely:—

“return in Form AR”.

5. In the said rules, for Form “XVII” and “XVIII”, the following Form shall be substituted, namely:—

“Form A”

Combined Muster Roll-cum-Register of Wages.

6. In the said rules, for Form “XIX”, “XX” and “XXI”, the following Form shall be substituted, namely: —

“Form B”

Combined Register of Fines, Deductions for Damage or Loss and Advances.

7. In the said rules, for Form "XXII", the following Form shall be substituted, namely: —

"Form C"

Combined Register of Overtime Working and Payment.

8. In the said rules, for Form "XXIII" and "XXIV", the following Form shall be substituted, namely: —

"Form AR"

Combined Annual Returns.

By order of the Governor

JAGAR SINGH

Commissioner-cum-Secretary to Government

FORM - A*[See Rule-52 (2)]***COMBINED MUSTER ROLL-Cum-REGISTER OF WAGES**

In lieu of

1. Form No. 29 (Muster Roll) Rule 104 of Orissa Factories Rules, 1950.
2. Form No. V (Muster Roll) Rule 26(5) of Orissa Minimum Wages Rules, 1954.
3. Form No. X (Wages) Rule 26(1) of Orissa Minimum Wages Rules, 1954.
4. Form No. XIII (Muster Roll) Rule 33(1) of Orissa Beedi & Cigar Workers (Condition of employment) Rules, 1969.
5. Form No. XVI (Muster Roll) Rule 239(1) a of Orissa Building & Other Construction Workers etc. Rules, 2002.
6. Form No. XVII (Register of Wages) Rule 239 (1) a of Orissa Building & Other Construction Workers etc. Rules, 2002.
7. Form No. XVIII(Register of Wage-cum-Muster Roll) Rule 239(1) a of Orissa Building & Other Construction Workers etc. Rules, 2002.
8. Form No. XVII (Muster Roll) Rule 52(2)(a) of Orissa Inter-State Migrant Workmen (RE&CS) Rules, 1980.
9. Form No. XVIII(Register of Wages) Rule 52(2)(a) of Orissa Inter-State Migrant Workmen (RE&CS) Rules, 1980.
10. Form No. 10 (Register of payment) of Orissa Shops and Commercial Establishment Rules, 1958.
11. Form No. 8 (Daily record of works & orders relating to compensating Leave and Deduction from wages of Orissa Shops and Commercial Establishment Rules, 1958.
12. Form X (Muster Roll) Rule 36 of Orissa Motor Transport Workers Rules, 1966.
13. Form XIII (Wages) Rule 77(2)(a) of Orissa Contract Labour (R&A), Rules, 1975.
14. Form XII (Muster Roll) Rule 77(2)(a) of Orissa Contract Labour (R&A), Rules, 1975.
15. Form VI (Muster Roll) Rule 9 of Orissa Industrial Employment (N&F) H. Rules, 1972.

'A'

Name & Address of the
Factory / Establishment

Name & Address of the
Contractor (if any)
Place of work

Name & Address of the
Principal employer
Month / Year

Sl. No.	1. Name of employees 2. Father/Husband name	Sex M/F	Date of Birth	Employment No./ Sl. No. in register of employees	Design- ation/ Depart- ment	Date of joining	ESI No.	PF No.	ATTENDANCE Units of work done(if piece rated)							No. of payable days Total Units of work done	Name of N&F Holiday for which wages have been paid
									1	2	3	4	5	6	7		
									8	9	10	11	12	13	14		
									15	16	17	18	19	20	21		
									22	23	24	25	26	27	28		
									29	30	31						

Month & Year

EARNINGS									DEDUCTIONS														
Basic	DA / VDA	HRA	Conv. Allow.	Med. Allow.	ATT/ bonus	Spl. All	OT	Msic. Earnings	Others	Total	ESI	PF	PT	TDS	Socy.	Insurance	Sal. Adv.	Fine	Damage	Others	Total	Net payable	Date of payment

Complete Signature of the Employer/ Principal Employer/ Authorized Signature .".

FORM- B*[see rule-52(2)]***COMBINED REGISTER OF FINES, DEDUCTIONS FOR DAMAGE OR LOSS AND ADVANCES**

- In lieu of
1. Form No. III of Rule 21 (4) of Orissa Minimum Wages Rules, 1954
 2. Form No. XVII, XVI, XVIII of Rule, 78 (d) (fine), 77 (22) (d) dedu.),m 77 (2) (d) (adv.) of Orissa Contract Labour (R & A) Rules, 1975.
 3. Form No. I.II,III under Rule 3 (1) (fine), 4 (deductions) and 17 (3) (advances) of Orissa Payment of Wages Rules, 1936.
 4. Form XIX, XX, XXI of Rule 52 (2) C of Orissa I.S.M.W (RE &CS) Rules, 1980.
 5. Form XX, XIX and XXI under Rule-239 (1) (b) of Orissa Building other Construction Workers (RE & CS) Rules, 2002.

Sl.No.	Name of the Employee/ Father's/ Husband's name	<u>Designation</u> Emp. No./ Sl. No. in register of employees	Nature & date of offence for which fine imposed	Date and particulars of damages/ loss caused	Whether worker showed cause against fine or deductions	Amount of the fine imposed/ deduction made	Date & purpose for which advance was made	Amount of advance made & purpose thereof.	No. of installments granted for repayment of fines/deductions/advances	Wages period and rate of wages payable	Date of recovery of fine/deduction/advance	Remarks
											First Installment	Last Installment

Signature of the Employer / Principal Employer / Authorized Signatory

FORM- C

[see rule- 52 (2)]

COMBINED REGISTER OF OVERTIME WORKING AND PAYMENT

In lieu of

1. Form No. 10 of Rule 79 of Orissa Factories Rules, 1950 (N.B.: Rule 80 & Form 11 may be annulled)
2. Form No. IV of Rule 25(2) of Orissa Minimum Wages Rules, 1954.
3. Form No. XIX of Rule 77(2)(e) of Orissa Contract Labour (R&A) Rules, 1975.
4. Form No. 12 of Rule 12(4) & Rule 15(3) of Orissa Shops & Commercial Establishment Rules, 1956.
5. Form No. XIV of Rules 33(5) of Orissa B.C.W.(COE) Rules, 1969.
6. Form No. XI of Rule 37 of Orissa M.T. Workers Rules, 1966.
7. Form No. XVII of Rule 52(2)(a) of Orissa ISMW (RE & CS) Rules, 1980.
8. Form No. XXII of Rule 239(1)(c) of Orissa Building and other Construction Workers (Regulation of Employment & Condition of Service) Rules, 2002."

FORM-AR

[see rule 56 (I)]

COMBINED ANNUAL RETURNS

In the Lieu of

- (i) Form-21, Rule - 101(I) Orissa Factories Rules, 1950
- (ii) Form XX, Rule - 81 (I) Form XXI, Rule-81(2) Orissa Contract Labour (R&A) Rule,1975
- (iii) Form-III, Rule-21 (4-A) Orissa Minimum Wages Rules, 1954
- (iv) Form-IV, Rule-18, Orissa Payment of Wages Rules, 1936
- (v) Form 'D', Rule-5, Payment of Bonus Rules, 1975 (Central)
- (vi) Form 13, Rule-28, Orissa Shops and Commercial Rules, 1958
- (vii) Form XIII, Rule-39, Orissa Motor Transport Workers Rules, 1966
- (viii) Form L, Rule-16, Orissa Maternity Benefit Rules, 1966
- (ix) Form 'V', Rule-8,O.I.E (N&A) II Rules, 1972
- (x) Form XXV, Rule 240, Orissa Building and Other Construction Workers (RECS), Rules, 2002
- (xi) Form XXIV, Rule 56(2) of Orissa Inter-State Migration Workers (RECS) Rules, 1980

A. GENERAL PARTICULARS -

1 (a) Name and full Address of the Factory / Establishment (including Building and Other Construction of Work / Motor Transport undertakings)

	Factory / Establishment	Regd./Administrative/Head Office
Name Address Tel :- Fax:- E-mail:- Website:-		

(b) Name and Residential Address of the Proprietor / Partner / Directors / Employer/ Principal / Employer / Occupier. (tick which ever is applicable).

Sl. No.	Name Father's Name	Designation	Residential Address	Tel/Mobile/ E-mail

(c) Name and Residential Address of the Person responsible for the day to day conduct and control of business.

Name	Residential Address	Tel/Mobile/E-mail

(d) Name and Residential Address of the occupier and Mgr. As named under the Factories Act, 1948.

Sl. No.	Name	Designation	Residential Address	Tel/Mobile/ E-mail

**2. Date of commencement of Manufacturing/Business/Establishments/
Factories/ Construction of Works.**

2 (A) Nature / Type of Industries /Establishments.

2 (B) Particulars of Products Manufactured/Services Rendered.

Name of the Product/Services	Annual Installed capacity	Quantity Manufactured	Percentage achieved	Value

3. Registration and License

Registration No.

License No.

- (a) Factories Act, 1948
 - (b) Contract Labour (R&A) Act, 1970
 - (c) O.S and C.E. Act, 1956
 - (d) ISMW (R&CE) Act, 1979
 - (e) M.T.W. Act, 1961
 - (f) Building and Other Construction Workers (RECS) Act, 1996

4. No. of Workmen / employees/ employed.

Sl. No.	Category	Male	Female	Adolescent/ Adult	Child	Total No. of Employees
1	Un-skilled					
2	Semi-skilled					
3	Skilled					
4	Highly skilled					
5	ITI / Diploma					
6	Degree-Engg.					

7	Executive					
8	Probationer / Trainees					

5. Particulars of Employment / Payment in Factories / Establishments / Motor Transport Undertakings / Building Construction of Work.

(a)

No of Person on Roll as on 1st January	No. of Person on Roll as on 31st December	No. of days Factory / Establishment/ Building & Other Construction Works / Carried on	No. of days Factory/ Establishment/ Closed	No. of Mandays worked during the year	No. of man-hours worked including O.T. during the year	Total Amount of salary / wage paid including O.T. wages & allowances

(b) Average Number of Employment during the year :—

Men	Women	Total

**(c) No. of employees discharged/dismissed/terminated/retrenched/
resigned or retired during the year.**

Men	Women	Total

In respect of Minimum Wages & Payment of Wages etc.

6. Particulars of deduction made from salary (wages) under M.W. and P.W. Act.

	No. of Employees involved	Total Amount of deduction made
1. Fines		
2. Damages / Loss		
3. Breach of Contract		
4. Others		
5. Total		

In respect of the Factories Act / Orissa Shops & Commercial Establishment Act, 1956/

Orissa Industrial Establishment (National & Festival) Holidays Act, 1972.

7. Particulars of Earned Leave with Wages / National Festival Holidays with Wages.

Total No. of Persons employed	No. of Employees eligible for Earned Leave	No. of employees availed/granted Earned Leave	No. of employees paid wages/salary in lieu of Earned Leave	No. of Person who were paid wages for the NFIT (separate figure for each day may be furnished)
1. Man				(i) 26th January (ii) 1st May (iii) 15th August (iv) 2nd October (v) (vi) (vii) (viii)
2. Woman				Total

In respect of Payment of Bonus

8. Payment of Bonus paid during the year

Name of the Accounting year	Total No. of employees	No. of Employees eligible for Bonus	Percentage of Bonus / Ex gratia declared	Total amount of Bonus / Ex gratia paid	Date of Payment
(1)	(2)	(3)	(4)	(5)	(6)

Relating to the Factories Act

- 9. Does the Factory carry on hazardous process under section-2(cb) dangerous operation U/s 87 of Factories Act. 1948.**

If Yes..... Yes / No

(i) Whether Health and Safety Policy prepared and published Yes / No

(ii) Whether occupational Health Centre provided Yes / No

(iii) Whether Medical Officer appointed Yes / No

(iv) Whether Ambulance Van provided Yes / No

(v) Average no. of persons employed daily in hazardous process / dangerous operation. Yes / No

10. Safety and Welfare Officers:—**(a)**

	No. of Officers required to be appointed	No. of Officer actually appointed
(i) Safety Officers as per Sec-40(B) of Factories Act.		
(ii) Welfare Officers as per Sec-49 of the Factories Act.		

(b) Whether the following Welfare measures are provided ?

(i)	Ambulance Room as per Section 45(A)	Yes / No
(ii)	Canteen as per Section 46(l)	Yes / No
(iii)	Whether the canteen is run departmentally or through contractor departmentally / Contractor	
(iv)	Creche as per Section 48(i)	Yes / No
(v)	Shelters, Rest Rooms and Lunch Room as per Section 47(l)	Yes / No

11. Particulars of Accidents, Man's days lost and others:—

(i)	Total no. of accidents that have taken place in the year.
(ii)	Number of employees involved in such accidents:- (a) Male (b) Female
(iii)	Total number of man' days lost in such accident
(iv)	No. of employees returned to work within 48 hours of the accident
(v)	No. of employees returned to work after 48 hours of the accident (Reportable accident)
(a)	Without Permanent /Partial/ Total Disablement
(b)	With Permanent / Partial / Total Disablement
(vi)	Number of employees involved in accidents with either immediately or later within 7 days resulted in death.

Maternity Benefit Act**12. (a) Rating to Maternity Benefits :—**

(i)	Total no. of women workers who worked for a period of 160 days in the last 12 months immediately preceding the date of delivery.
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(ii)		No. of women workers discharged / dismissed in the last 12 months.
(iii)		No. of women worker for whom pre-natal confinement and post-natal confinement.
(iv)		No. of women workers died.
	(a)	Before delivery -
	(b)	After delivery -

(b) Leave / additional leave details :—

Item	No. of women applied for leave	Leave sanctioned	Leave reject
(i) Mis-carriage			
(ii) Illness (additional leave under section 10)			

(c) Maternity Benefit Paid :—

Item	No. of claim received	No. of leave sanctioned	No. of claims rejected	Total benefit paid in rupees
(i) Confinement				
(ii) Mis-carriage				
(iii) Illness				
(iv) Medical Bureaus				

Rating to Contract Labour (R&A) Act**13. (a) Contractor Labour**

Name & Address of the Contractor / Contractors	Period of contract From / To	Nature of work/ operation in which contract labour were employed Deptt. / Section	No. of person employed	Maximum no. of contract workman employed on any day during the year	No. of days worked	No. of man days worked
(i)						
(ii)						
(iii)						
(iv)						
		Total				

(b) Whether contract has provided ?

- | | |
|----------------------|-----------|
| (i) Canteen | Yes / No. |
| (ii) Rest Room | Yes / No. |
| (iii) Drinking Water | Yes / No. |
| (iv) Creche | Yes / No. |

- (v) First Aid Yes / No.
 (vi) Remarks Yes / No.

Relating to Building and Other Construction Workers (RE & CS) Act

14. Particulars of accident that took place during the year:—

(i)	The total No. of accident.
(ii)	The number of accidents resulting in disablement of building workers for less than 48 hours, the number of building workers involved and the number of man-days lost.
(iii)	The number of accidents resulting in disablement of building worker beyond 48 hours, but not resulting in any permanent partial or permanent total disablement, the number of building workers involved, and the number of man-days lost on account of such accident.
(iv)	The number of accidents resulting on permanent partial or total disablement, the number of building workers involved and the number of man-days lost on account of such accident.
(v)	The number of accident resulting in deaths of building workers and the number of resultant deaths.

15. INTER-STATE MIGRANT WORKMENT (RE & CS) ACT,

In respect of Principal Employer :—

- (i) Number of contractors who worked in the establishment during the year with details—

Name & Address of the Contractor	Period of Contract		Nature of work	Maximum number of workers supplied by each contractor	No. of days worked	No. of man days worked
	From	To				

16. Beedi and Cigar Workers (Condition of Employment) Act, 1966:—

- (i) Average number of employees employed daily in the Industrial Premises :—
 Men
 Women
 Young person
 Male
 Female

- (ii) Average monthly number of home workers employed (i.e. who work in their homes)
- (iii) Number of days worked in the year in the industrial establishment.
- (iv) No. of employees who were granted leave during the calendar year.
 - Young persons
 - (a) employees in the Industries Premises.
 - (b) employees in home.
 - Other than young Persons
 - (a) employees in the Industrial Premises
 - (b) employed in home
- (v) Number of female employees who were given maternity benefit during the year
 - (a) employees in the Industrial Premises
 - (b) employed in home.”